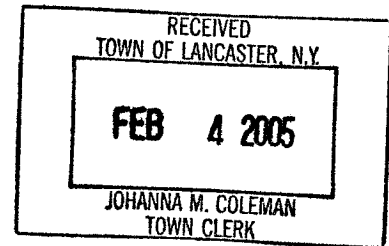


A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the second day of February 2005, at 7:30P.M, and there were present:

PRESENT:

Stanley J. Keysa, Chairman
Rebecca Anderson, Member
John P. Gober, Member
Lawrence Korzeniewski, Member
Michael Myszka, Member
Steven Socha, Member
Melvin Szymanski, Member



EXCUSED:

None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff:

Robert Labenski, Town Engineer
Leonard Campisano, Assistant Building & Zoning Inspector
John M. Dudziak, Deputy Town Attorney
Mary Nowak, Recording Secretary

Meeting called to order by Chair Leysa at 7:33 PM. Motion was made by Steven Socha to approve the minutes from the January 5, 2005 Planning Board Meeting Motion seconded by John Gober and unanimously carried.

COMMUNICATIONS:

- 1-19-01 Letter dated January 3, 2005 from Planning Board member Michael Myszkowski advocating a moratorium on residential building approvals.
- 1-19-02 Copy of letter dated January 5, 2005 from Town Clerk Johanna Coleman to Greg & Marietta Cimato Zyga transmitting TB resolution denying rezoning requested for 5692 Broadway.
- 1-19-03 Letter dated January 5, 2005 from Chief of Police Gary Stoldt with comments on proposed Pleasant Heights subdivision.
- 1-19-04 Memo dated January 6, 2005 from Town Attorney Richard Sherwood transmitting response received from EC DEP dated January 3, 2005 and from NYS DOT dated December 23, 2004 regarding Cross-Creek subdivision.
- 1-19-05 Memo dated January 6, 2005 from Town Attorney transmitting response dated December 28, 2004 from EC DEP regarding Windsor Ridge South subdivision.
- 1-19-06 Memo dated January 6, 2005 from Town Attorney transmitting response dated December 14, 2004 from EC DPW and from NYS DOT dated December 10, 2004 regarding Windsor Ridge South subdivision.
- 1-19-07 Memo dated January 6, 2005 from Town Attorney transmitting response dated December 17, 2004 from EC DEP and from NYS DOT dated December 23, 2004 regarding Country Club Gardens.
- 1-19-08 Memo dated January 6, 2005 from Town Attorney transmitting response dated December 16, 2004 from EC DEP and from NYS DEC dated January 3, 2005 regarding Nicholas Heights subdivision.
- 1-19-09 Notice of Lorman Educational Services seminar to be held March 23, 2005 in Buffalo on "Managing Growth and Development" at cost of \$299.
- 1-19-10 Confidential communication dated January 7, 2005 from Town Attorney regarding proposed Pleasant Heights subdivision.
- 1-19-11 Confidential communication dated January 10, 2005 from Town Attorney regarding moratorium on residential building approvals.
- 1-19-12 Letter dated January 11, 2005 from Town Attorney relating call from Chuck Cranston of NYS DEC regarding Windsor Ridge South subdivision.
- 1-19-13 Memo dated January 10, 2005 from Dierdre McManus of EC DEP transmitting map of Lancaster-Alden Agricultural District.
- 1-19-14 Letter dated January 12, 2005 from Town Attorney transmitting response dated January 10, 2005 from Steven Doleski of NYS DEC regarding Windsor Ridge South subdivision.

- 1-19-15 Letter dated January 12, 2005 from Town Attorney transmitting two communications dated December 28, 2004 regarding proposed Pleasant Meadows subdivision.
- 1-19-16 Copy of letter dated January 13, 2005 from Rebecca Andersen of NYS DEC to Town Attorney advising of various state and federal requirements under the National Flood Insurance Program, and inviting attendance at a FEMA Community Assessment Visit scheduled for January 27, 2005.
- 1-19-17 Letter dated January 13, 2005 from Town Attorney transmitting copy of letter dated January 10, 2005 from Town Attorney to Joseph Cipolla of Bella Vista Group regarding private road known as Flix Drive, 4907 Transit Road.
- 1-19-18 Memo dated January 14, 2005 from Town Attorney noticing meeting of MRC for January 18, 2005 to adopt a findings statement for proposed Pleasant Meadows subdivision and transmitting draft findings statement.

**Communications for the February 2, 2005 meeting of the
Town of Lancaster Planning Board**

- 2-02-01 Letter dated January 19, 2005 from Highway Superintendent Richard Reese indicating no concerns with proposed Pleasant Heights subdivision.
- 2-02-02 Copy of letter dated January 19, 2005 from Carl Dimming, PE of EC DPW to Stuart Ferro PE of William Schutt & Associates regarding Redwood Housing Corporation group home 4887 at 4831 William Street.
- 2-02-03 Minutes of special Town Board meeting held January 18, 2005 at which MRC considered and adopted findings regarding the proposal of Pleasant Meadows LLC for rezoning of lands between Pleasant View Drive and Walden Avenue collectively known as "Pleasant Meadows."
- 2-02-04 Memo dated January 20, 2005 from Building and Zoning Inspector Jeff Simme transmitting application for approval of subdivision-preliminary plat plan for proposed Pleasant Meadows subdivision, project 9704.
- 2-02-05 Memo dated January 20, 2005 from Building and Zoning Inspector Jeff Simme transmitting application for approval of subdivision sketch plan for proposed Deer Run Estate subdivision project 4054 south of William west of Lake.
- 2-02-06 Memo dated January 21, 2005 from Building and Zoning Inspector Jeff Simme transmitting application for approval of site plan for proposed Carquest Distribution Facility, project 4925, on south side of Walden Avenue north of Lancaster Airport.
- 2-02-07 Memo dated January 21, 2005 from Building and Zoning Inspector Jeff Simme transmitting revised sketch plan for proposed Pleasant Heights subdivision, project No 3358, SWC Pleasant View Drive and Forton Drive.
- 2-02-08 January/February 2005 issue of Rural Futures.
- 2-02-09 Letter dated January 25, 2005 from Town Attorney Richard Sherwood transmitting communication dated December 27, 2004 from William Tuyn of Greenman-Pedersen addressing comments made by Clough, Harbour & Associates regarding Pleasant Meadows subdivision.
- 2-02-10 Copy of letter dated January 26, 20095 from Town Attorney to Timothy Morgan of Forbes-Capretto Homes transmitting communication dated January 10, 2005 from Steven Doleski of NYS DEC regarding Windsor Ridge South subdivision.
- 2-02-11 Telephone call January 26, 2005 from Brad Masters, Transportation Director of Iroquois Central School District (652-5130) to Chair asking status of Windsor Ridge South subdivision on behalf of Neil Rochelle, Superintendent.
- 2-02-12 Notice of WNY Section of APA "Zoning Clinic" to be held at Cheektowaga Senior Citizens Center on February 16, 2005 3:30 p.m. to 5 p.m. at cost of \$10.

- 2-02-13 Letter dated January 28, 2005 from Darrell Kaminski, Regional Design Engineer of NYS DOT to Chair advising of the decision to pursue option # 2 (the southern option) with a southerly deflection as the preferred option for location of the new intersection of Freeman Road with Transit Road, and transmitting plan of same.
- 2-02-14 Town Attorney transmitted EAF on Deer Run subdivision without cover letter.
- 2-02-15 Copy of letter dated February 1, 2005 from Town Attorney to Regina Eyre PE of Landesign Surveyors & Engineers transmitting communication dated January 13, 2005 from EC DEP regarding the revised plat plan submitted for Pleasant Heights subdivision and advising that environmental review will not go forward without receipt of traffic impact study demanded by Erie County.
- 2-02-16 Memo dated February 1, 2005 from General Crew Chief Terrence McCracken noting minor error on landscape plan submitted for Carquest Distribution Center, but no other problems with the landscape plan, and indicating no issues with proposed Pleasant Meadows subdivision.

ACTION ITEMS -

REVISED SKETCH PLAN - PROPOSED PLEASANT HEIGHTS SUBDIVISION, DEVELOPER WFB ENTERPRISE, WILLIAM BOSSE - 36 SINGLE-FAMILY DWELLINGS. PROJECT NO. 3358 CONTACT PERSON: WILLIAM BOSSE

At the request of the applicant, this project was tabled at the January 5, 2005 Planning Board Meeting. The revised sketch plan shows the following: 1.) Five foot sidewalks on Forton Drive and Pleasantview Drive; 2.) Homes on Forton Drive have turnarounds in the driveways; 3.) Proximity of the proposed public road exit is more than 150 feet from the entrances and exits of the high school parking lot; 4.) Lot sizes on Forton Drive have been increased. The Planning Board told Mr. Bosse that a letter was received from the Erie County Highway Dept. indicating that a traffic study would be required for this project. After a brief discussion regarding the traffic study being done regarding the nearby proposed Pleasant Meadows Subdivision, Mr. Bosse was instructed to contact the Erie County Highway Dept. to see if that traffic study would also be sufficient for this project.

DETERMINATION

Based on the information provided to the Planning Board, Melvin Szymanski made a motion to recommend approval of the revised sketch plan to the Town Board. Motion seconded by Lawrence Korzeniewski and unanimously carried.

SITE PLAN REVIEW - PROPOSED CARQUEST DISTRIBUTION FACILITY. SOUTHSIDE OF WALDEN AVENUE EAST OF LANCASTER AIRPORT. OFFICE/WAREHOUSE BUILDING TOTAL SQ. FT. 119,688. PROJECT. NO. 4925. CONTACT PERSON: GREG SEIFERT

This project was presented to the Planning Board at the May 5, 2004 Planning Board Meeting for this same layout, but 2000 feet east of Pavement Road. Due to wetlands identified on the parcel, this project has been moved to another area of this parcel.

Greg Seifert, Geis Companies, presented to the Planning Board the site plan for the proposed distribution center/office facility located on the 9.6-acre parcel on the south side of Walden Avenue, north of the Lancaster Airport. The building on the previously approved site plan has remained exactly the same. The proposed plan shows an on-site detention basin along the east side and south side of the property. The Planning Board referred to Com. 2-2-16 from Crew Chief Terrence McCracken regarding correcting the number of Norway Spruce between the parking lot and the road to 16. Mr. Seifert stated that this correction on the drawing has already been noted and will be made. Councilmember Donna Stempniak recommended that a row of trees be developed between the west driveway and the west property line as a weather buffer.

DETERMINATION

Based on the information presented to the Planning Board, Lawrence Korzeniewski made a motion to recommend approval of the site plan to the Town Board with the recommendation that a row of trees be developed between the west driveway and the west property line. Motion seconded by Michael Myszkowski and unanimously carried.

PRELIMINARY PLAT REVIEW - PROPOSED PLEASANT MEADOWS SUBDIVISION, SOUTH SIDE OF PLEASANT VIEW DRIVE WEST OF KELLY ANN DRIVE. 79 SINGLE-FAMILY DWELLINGS. PROJECT NO. 9704. CONTACT PERSON: WILLIAM TUYN, GREENMAN-PEDERSEN, INC.

Member Anderson recused herself from this project, due to her level of involvement with the New York State Dept. of Environmental Conservation.

William Tuyn, Greenman-Pedersen Inc., presented to the Planning Board the preliminary plat review for the proposed subdivision on the south side of Pleasant View Drive west of Kelly Ann Drive. The plan shows 79 lots for single-family homes. Since this land is zoned R-1, no rezone will be required. There was some discussion regarding the street names, and whether they have been approved by the Chief of Police. Mr. Tuyn told the Planning Board that the street names were chosen by the developer and should be acceptable street names as there are no others which conflict, but they have not yet been approved. The Planning Board stated that the street names must be approved by the Chief of Police. The two detention ponds shown on the plan will extend into the wetland buffer zone. The lots that encroach into the buffer area are very deep lots. Mr. Tuyn stated that applications have been made to the New York State Dept. of Environmental Conservation and to the Army Corps of Engineers for permits to encroach into the wetland buffer area. The proposed plan shows private easements along the back of the lots. Chair Keysa told Mr. Tuyn to contact the Town Attorney's office regarding changing these private easements to public easements. A question was raised regarding the triangular exception shown on the plan and who would own it. Mr. Tuyn said that The Marrano Corp. will retain this area and will be responsible for its maintenance. The Planning Board stated that 5-foot sidewalks should be installed on the east side of Pleasant Meadows Parkway, and that those which extend from Pleasant View Drive to the north line of lot #33 are to be installed as the roads are constructed.

DETERMINATION

Based on the information provided to the Planning Board, John Gober made a motion to recommend approval of the preliminary plat review to the Town Board with the following conditions: 1.) Street names must be approved by the Chief of Police; 2.) Applicant to contact Town Attorney's office to change private easements to public easements; 3.) Sidewalks are to be installed on the east side of Pleasant Meadows Parkway, and that the sidewalks on the east side of Pleasant Meadows Parkway that extend from Pleasant View Drive to the north line of lot #33 are to be installed as the roads are constructed. Motion seconded by Melvin Szymanski and duly carried by a vote of 5 ayes, 1 nay, and 1 recuse.

SKETCH PLAN REVIEW - PROPOSED DEER RUN ESTATES SUBDIVISION, SOUTH SIDE OF WILLIAM STREET WEST SIDE OF LAKE AVENUE, 91 SINGLE-FAMILY DWELLINGS. PROJECT NO. 4054. CONTACT PERSON: WILLIAM TUYN, GREENMAN-PEDERSEN, INC.

William Tuyn, Greenman-Pedersen Inc., presented to the Planning Board the sketch plan review for the proposed subdivision on the 43-acre parcel on the south side of William Street and the west side of Lake Avenue. This parcel has 2.7 acres of federally regulated wetlands. The plan shows 91 lots for single-family homes. Since the plan shows two stubs for future streets, the Planning Board recommended that these stubs have turnarounds for snowplows and school buses. It was also recommended by the Planning Board that stubs at the southwest corner be directed south and/or west. Planning Member Anderson stated that a hydraulic connection to the creek had been missed on the drawing. Mr. Tuyn said that this connection had not been missed but that these waters are considered adjacent waters. After a brief discussion, the Planning Board recommended

a double check of the wetlands and the swale. Mr. Tuyn stated that a final delineation of this parcel will be done by the Army Corps of Engineers. Member Anderson told the Planning Board that several of the surrounding property owners have spoken with her regarding an agreement they said they had with the owner of this property for a conservation easement between the east line of this parcel and their property. Mr. Tuyn said that he would speak with the owner regarding this agreement.

DETERMINATION

Based on the information provided to the Planning Board, Steven Socha made a motion to recommend approval of the sketch plan to the Town Board with the following recommendations: 1.) Stub streets shown to have turnarounds; 2.) Appropriate vegetation to be planted along the eastline of the property as a buffer; 3.) Wetlands and swale to be double checked; 4.) Stubs at the southwest corner to be directed both south and west. Motion seconded by Melvin Szymanski and duly carried by a vote of 5 ayes and 2 nays.

OTHER BUSINESS

Town Engineer Robert Labenski told the Planning Board that he has been attending meetings with the Lancaster School District to keep them informed regarding Windsor Ridge South. He will also be meeting with the Iroquois School District. Mr. Labenski stated that currently the state laws provides that if a school district line runs through a property, the owner can choose the school their children will attend. Chair Keysa said that he will prepare a letter to the school districts recommending that the district lines be moved in order to make operational sense.

Town Engineer Labenski also informed the Planning Board that the New York State Dept. of Transportation has made its decision regarding the Transit Rd.-Freeman Dr. intersection. They have decided on the south location on option #2, and have pushed that even further south.

Member Rebecca Anderson told the Planning Board that she has been working with an ethics review as part of her job at the New York State Dept. of Environmental Conservation. As a result, she will have to recuse herself from certain projects that come before the Planning Board. If this becomes a problem for the Planning Board, she may have to resign her position from the Planning Board.

At 9:10 PM Melvin Szymanski made a motion to adjourn the meeting. Motion was seconded by Rebecca Anderson and unanimously carried.